

REMARKS

Claims 2 and 6 were previously canceled. Claims 1, 3-5, and 7-8 were pending. In this Reply, new claims 9-16 have been added. New claims 9-16 are fully supported by applicants' specification as filed, as discussed in page 9 of this paper below. New claims 9-16 do not contain new matter.

After entry of the amendments, claims 1, 3-5, and 7-16 are pending in the present application. Applicants submit that these claims are allowable for the reasons discussed below.

Summary of the Office Action

Claims 1, 3-5, and 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,424,952 to Yinbal (hereinafter "Yinbal") in view of U.S. Patent No. 6,253,192 to Corlett et al. (hereinafter "Corlett").

Applicants traverse all of these rejections, as discussed below.

35 U.S.C. § 103(a)

Applicants recognized deficiencies in the technology for educational savings planning. First, applicants recognized that "potential contributors are confronted by an almost bewildering array of options" for educational savings planning. (Applicants' specification as filed, p.4, lines 12-14). Thus, applicants recognized "a need for a college funding calculator that provides a comparative analysis for these savings plans, so as to enable an investor to select a plan or combination of plans that best meets his or her needs." (Id., p.6, lines 18-20). Second, applicants also recognized that "existing financial calculation programs do not consider the tax implications of various funding alternatives for the contributor and the child. . . . If tax considerations are ignored, an inappropriate or suboptimal college investment vehicle may be selected." (Id., p.4, lines 12-23).

Applicants' disclosed technology addresses these deficiencies. Specifically, independent claim 1 recites, among other things, "generating a comparative analysis of a plurality of educational savings plans . . . ; the comparative analysis taking into account one or more taxation implications for at least one of the educational savings plans." This feature addresses the concern that "potential contributors are confronted by an almost bewildering array of options." (Applicants' specification as filed, p.4, lines 12-14). Although independent claim 1 involves a

plurality of education savings plans, it helps the contributor by providing a comparative analysis of the various educational savings plans “so as to enable an investor to select a plan or combination of plans that best meets his or her needs.” (Id., p.6, lines 18-20). Independent claim 1 also addresses the concern that “[i]f tax considerations are ignored, an inappropriate or suboptimal college investment vehicle may be selected.” (Id., p.4, lines 12-23). Thus, in independent claim 1, “the comparative analysis [takes] into account one or more taxation implications for at least one of the educational savings plans.”

In the Office Action, independent claim 1 was rejected based on a combination of Yinbal and Corlett. (See Office Action, pages 2-3). However, neither Yinbal nor Corlett shows or suggests applicants’ feature in claim 1 of “generating a comparative analysis of a plurality of educational savings plans.” The Examiner contends that this feature is shown in Yinbal, Figure 1, and col. 10, line 61 – col. 11, line 15. (See Office Action, page 3). However, contrary to the Examiner’s contention, there is nothing in this portion of Yinbal that shows or suggests several educational savings plans and generating a comparative analysis of the several plans, as required by claim 1. Rather, this portion in Yinbal describes a single plan: calculating future educational expenses, deriving present investment amount needed to provide the future educational expenses, and collecting and investing the present investment amount to provide funds for the future educational expenses. There is nothing in this portion (or anywhere else in Yinbal) that shows or suggests several educational savings plans and generating a comparative analysis of the several plans, as required by claim 1. The closest Yinbal comes is its statement that “[t]he investment management must look for returns which will provide the margin to cover the items . . . at an appropriate level of risk for the situation.” (Yinbal, col. 6, lines 1-4). At most, this means that there is a future target amount to be met, and investment management looks for investment vehicles having returns that will help achieve that future target amount. This may involve a comparison of investment vehicles, but an investment vehicle is not the same as an educational savings plan. Applicants submit that Yinbal’s system shows only one plan – “look for returns which will provide the margin to cover the items . . . at an appropriate level of risk for the situation.” (Yinbal, col. 6, lines 1-4). This singular approach is Yinbal’s plan, and there is no comparison of different plans. In contrast, independent claim 1 requires “generating a comparative analysis of a plurality of educational savings plans.” Accordingly, applicants submit that Yinbal fails to show or suggest this feature of claim 1. Corlett also fails to show or

suggest this feature of claim 1 of “generating a comparative analysis of a plurality of educational savings plans.” Corlett is directed to calculating a planned future financial situation by applying planning rules selected from a database to an unplanned future financial situation. (See Corlett, Abstract). Corlett does not mention education or educational savings at all. Indeed, a quick word search of Corlett shows that it does not contain the words “education” or “college” or “school.” Because Corlett does not show or suggest educational savings at all, applicants submit that Corlett does not show or suggest applicants’ feature in claim 1 of “generating a comparative analysis of a plurality of educational savings plans.”

For the foregoing reasons, applicants submit that neither Yinbal nor Corlett shows or suggests applicants’ feature in claim 1 of “generating a comparative analysis of a plurality of educational savings plans.” Accordingly, applicants submit that independent claim 1 is allowable. Claims 3-4 depend upon independent claim 1, and the rejections of dependent claims 3-4 are traversed because “[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” (MPEP § 2143.03). Furthermore, dependent claims 3-4 are allowable for depending upon an allowable base claim.

Similar to independent claim 1, independent claim 5 also recites “generating a comparative analysis of a plurality of educational savings plans . . . ; the comparative analysis taking into account one or more taxation implications for at least one of the educational savings plans.” Applicants submit that independent claim 5 is allowable for the same reasons that independent claim 1 is allowable, as discussed above. Claims 7-8 depend upon independent claim 5, and the rejections of dependent claims 7-8 are traversed because “[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” (MPEP § 2143.03). Furthermore, dependent claims 7-8 are allowable for depending upon an allowable base claim.

Applicants’ silence with respect to the particular rejections of the dependent claims 3-4 and 7-8 should not be construed as a concession that the features of such claims are shown in the cited references. Rather, applicants’ silence is based on the belief that the foregoing adequately traverses the rejections of the dependent claims. Applicants hereby reserve the right to specifically address and traverse the rejections of the dependent claims in the future.

New Dependent Claims 9-16

New claims 9-16 are fully supported by applicants' application as filed. Specifically, claims 9 and 13 are supported by the application as filed in FIG. 8A – 8B. Claims 10 and 14 are supported by the application as filed in FIG. 9A – 9D. Claims 11 and 15 are supported by the application as filed in FIG. 19 and the accompanying text on page 23, lines 9-14. Claims 12 and 16 are supported by the application as filed in FIG. 20 and the accompanying text on page 23, lines 15-20.

Claims 9-12 depend upon independent claim 1 and are allowable for depending upon allowable independent claim 1. Claims 13-16 depend upon independent claim 5 and are allowable for depending upon allowable independent claim 5.

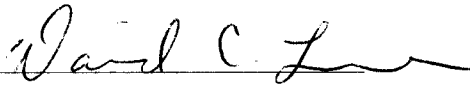
Conclusion

In view of the foregoing, applicants submit that claims 1, 3-5, and 7-16 are allowable. Accordingly, reconsideration and allowance of claims 1, 3-5, and 7-16 are respectfully requested.

No fees are believe to be due other than the extension of time fees provided in page 1 of this paper. If any other fee is due, please charge such fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.

Respectfully submitted,

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David C. Lee
Reg. No. 61,395
Morgan, Lewis & Bockius LLP
101 Park Avenue
New York, New York 10178
(212) 309-6000
Customer No. 09629